

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ADETAYO ADESEYE,

Plaintiff,

v.

FED LOAN SERVICING, et al.,

Defendants.

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Civ. Action No. 17-1126-RGA

**MEMORANDUM ORDER**

At Wilmington this <sup>23</sup> day of March, 2018, having considered Plaintiff's motion for default judgment (D.I. 27);

IT IS ORDERED that the motion (D.I. 27) is **DENIED** as premature, for the following reasons:

Plaintiff seeks a default judgment against the United States Department of Education on the grounds that it has been served and has not appeared. Entry of default judgment is a two-step process. (D.I. 27). See Fed. R. Civ. P. 55(a), (b). A party seeking to obtain a default judgment must first request that the clerk of the court "enter . . . the default" of the party that has not answered the pleading or "otherwise defend[ed]," within the time required by the rules or as extended by court order. Fed. R. Civ. P. 55(a). Even if default is properly entered, the entry of judgment by default pursuant to Rule 55(b)(2) is within the discretion of the trial court. *Hritz v. Woma Corp.*, 732 F.2d 1178, 1180 (3d Cir. 1984).

To date, there has been no entry of default. In addition, it does not appear that the United States Department of Education has been properly served. See Fed. R. Civ. P. 4(i). Default judgment is premature and, therefore, the motion is denied.

  
UNITED STATES DISTRICT JUDGE